

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

The Official Action sets forth a rejection of Claim 4 under the second paragraph of 35 U.S.C. §112. It is said that this claim does not particularly point out and distinctly claim the subject matter. In particular, the Official Action observes that Claim 4 is incomplete in that it does not set forth certain method steps for obtaining the virtual image plane positioned in front of the object. The basis for this claim rejection is not fully understood. The original disclosure clearly describes the positioning of the virtual image plane in front of the object, as well as behind the object. It is not readily apparent what additional aspects of the method should be recited to particularly point out and distinctly claim that the virtual image plane is positioned in front of the object. Nevertheless, considering that independent Claim 1 encompasses the location of the virtual image plane both in front of and behind the object/glazing, the wording in Claim 4 is amended to negate this claim rejection. Accordingly, withdrawal of the claim rejection based on the second paragraph of 35 U.S.C. §112 is respectfully requested.

The anticipatory rejection of independent Claim 1, and dependent Claims 2, 3 and 9-18 based on the disclosure in U.S. Patent No. 5,694,479 to *Guering et al.* is respectfully traversed.

The subject matter at issue in this application pertains to a method of forming a shadowgraph image of a glazing comprising illuminating the glazing with a light source to form a shadowgraph image of the glazing on a virtual image plane, and focusing a camera onto the virtual image plane. Advantages associated with forming

the shadowgraph image of the glazing on a virtual image plane, rather than on a screen as has been done previously, are discussed in the present application.

The method disclosed in *Guering et al.* involves projecting a shadowgraph image 5 of the glazing 3 onto a screen 4. The shadowgraph image is processed by making point measurements of the illumination, and the processed shadowgraph image is then used to produce a reference image. Points on the processed image and corresponding points of the reference image are then compared.

One way in which the method at issue here differs significantly from that disclosed in *Guering et al.* involves the formation of the shadowgraph image of the glazing on a virtual image plane, together with the focusing of the camera onto such virtual image plane. There is no disclosure in *Guering et al.* of forming a shadowgraph image of the glazing on a virtual image plane, or focusing a camera onto the virtual image plane. It is thus respectfully submitted that the method recited in independent Claim 1 is not anticipated by, and is patentably distinguishable over, the disclosure in *Guering et al.*

By way of this Amendment, new independent Claim 19 is also presented. This claim defines a method of forming a shadowgraph image of a glazing that involves illuminating the glazing with light from a light source to form a virtual shadowgraph image of the glazing on other than a screen, and sampling light intensity of the virtual shadowgraph image through use of a camera.

Quite clearly, *Guering et al.* does not disclose illuminating the glazing to produce a shadowgraph image of the glazing other than on a screen. Indeed, *Guering et al.* specifically discloses that the shadowgraph image produced by

illumination of the glazing is projected onto a screen 4. It is thus respectfully submitted that the method recited in independent Claim 19 is also allowable.

The dependent claims are allowable at least by virtue of their dependents from allowable independent claims. Thus, a detailed discussion of further distinguishing aspects of the method recited in the dependent claims is not set forth at this time.

With respect to the obviousness-type double patenting rejection of Claims 9-18 set forth in the Official Action, Applicants do not agree with that rejection. Nevertheless, to advance prosecution of this application, submitted with this Amendment is a Terminal Disclaimer. Accordingly, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise concerning this application, or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: February 13, 2008

By: Matthew L. Schneider
Matthew L. Schneider
Registration No. 32814

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620